



OFFICE OF ADMINISTRATIVE TRIALS AND HEARINGS
Special Education Hearings Division

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DOCUMENT SUBPOENA

IN THE NAME OF THE PEOPLE OF THE STATE OF NEW YORK:

To:

RE:

Student Name _____
Case Number _____
Student Date of Birth _____
NYC ID/OSIS _____

YOU ARE HEREBY COMMANDED that on or before the close of business on _____ you deliver the following documents to the individual listed below:

[Empty rectangular box for listing documents]

DELIVER TO:

Name	_____
Business, Law Firm, Organization, etc.	_____
Address Line 1	_____
Address Line 2	_____
Email Address	_____
Phone Number	_____
Fax Number	_____

For failure to produce, you will be deemed guilty of a violation of the Regulations of the Commissioner of Education of the State of New York, and subject to attendant penalties.

If you have questions or concerns about this subpoena, please first contact the person who sent this subpoena. If you cannot resolve your questions or concerns with the person who sent the subpoena, please contact the Impartial Hearing Officer listed below.

Signature of Requester	_____	Signature of IHO	_____
Name	_____	Name of IHO	_____
Date	_____	Date	_____

INSTRUCTIONS

A “Document Subpoena” (pronounced “Suh-Pea-Nuh”) is an order from the Impartial Hearing Officer requiring a person or organization to give you documents. You have the right to request documents related to your case. After you do, the other party might object, or the Impartial Hearing Officer (IHO) may limit the documents that the other party has to provide. This section explains how to fill out OATH’s “Document Subpoena” form.

“TO” Section

On the first line, fill in the name of the person, school, or organization you want documents from. Fill in their mailing address, email address, phone number, and other contact information on the other lines.

“RE” Section

On the first line, fill in the student’s name. On the second line, fill in your case number. On the third line, fill in the student’s date of birth. On the fourth line, fill in the student’s ID number (also known as an OSIS number or NYC ID number).

“YOU ARE HEREBY COMMANDED” Section

In this section, you will pick a deadline by when the other party must send you the documents. On the first line, click on the blank area after “the close of business on.”. A down arrow will appear. Click on the down arrow and a calendar will appear. Choose a date that gives the person, school, or other entity enough time to get the documents and send them to you. Make sure the date you pick also gives you enough time to get the documents and review them before the hearing.

Fillable Box

Look for the box below the “You Are Hereby Comanded” section. In this box, list the documents you are requesting. Click inside the box and then begin typing. Be sure to name specific documents and either the date of the document or a time range. For example, you can request the “5/26/2022 IEP,” “all IEPs created from February-May 2022,” or “all evaluations conducted after January 2021.”

“DELIVER TO” Section

This section tells the person sending you the documents where to send them. Fill in your own information, including your name and organization (if you have one). Include as much contact information as you can: mailing address, email address, phone number, and fax number.

Signature Section

Sign your name on the line across from signature. To use a “digital signature,” click on the red tab next to “Signature of Requester” and follow the steps. If you wish, you can also print the document and sign it with a pen. Type or write your name clearly on the line across from “Name.” On the line across from “Date,” type or write the date you are filling out the form.

Send the Subpoena to the Impartial Hearing Officer and the other Party

Email (or mail) the subpoena to the IHO assigned to your case *and* to the representative or attorney on the other side of the case. The IHO will review the subpoena, find out if there are any objections from the other side, and decide whether to approve, deny, or change your subpoena. If the IHO approves your subpoena, the IHO will send you back a signed copy.

Serving the Subpoena

After the IHO signs your subpoena, you must “serve” the subpoena on the person/organization that has the documents. You can do this by mail, email, or in person.

If you are a Parent requesting documents from the DOE, you can send the subpoena to the DOE attorney or representative assigned to your case ask them to serve (send) the subpoena. If you are a DOE representative requesting documents from the Parent, you can send the subpoena to the Parent’s attorney and ask them to serve the subpoena.